

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NEW YORK WHEEL OWNER LLC,

Plaintiff,

v.

MAMMOET-STARNETH LLC,

Defendant.

Case No. 17-cv-4026-JMF

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Jonathan S. Jemison, dated August 11, 2017, and the exhibits thereto, the Memorandum in Support of Defendant Mammoet-Starneth LLC's Motion to Dismiss, and all prior pleadings and proceedings herein, defendant Mammoet-Starneth LLC will move this Court, before the Honorable Jesse M. Furman, United States District Judge, Southern District of New York, at the United States Courthouse, 40 Foley Square, New York, New York 10007, at a date and time to be determined by the Court, for an Order dismissing ,with prejudice, the claims asserted in Counts 2, 8, 9, and 11 of plaintiff's complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6).

Date: August 11, 2017
New York, N.Y.

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